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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,807	08/02/2001	Akihiko Nagata	Q65684	4297
65565	7590	01/09/2007		
SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER OMOTOSHO, EMMANUEL	
			ART UNIT 3714	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.		Applicant(s)	
	09/919,807		NAGATA ET AL.	
	Examiner		Art Unit	
	Emmanuel Omotosho		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-25 are objected to because of the following informalities: The claims interchange between the words "player" and "user". Applicant's specification states that these two limitations are the same thing. It is advised for consistency reasons that Applicant select either "player" or "user" to be used throughout the claim language.
2. Claim 24, 6 lines from the bottom, the word "a" should be inserted before the word "customer".

Appropriate correction is required

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, 13, 17, 19 and 21-23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Onda et al., U.S. Patent No. 6,746,333 B1 in view of Stamper et al., U.S. Patent No. 6,820,265 B1. Onda discloses a game mastery support apparatus, which supports mastery of an executable game. The game mastery support apparatus comprises a distribution device, which distributes mastery information, which advises a player how to master a game, to a terminal apparatus having a game execution function for executing the executable game independent of the mastery information (See Onda

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col. 3 lines 40-60; col. 5 lines 52-65; col. 10 lines 5-21; col. 13 lines 1-27). The distribution device distributes the mastery information according to information obtained from the terminal apparatus (See Onda col. 6 lines 36-43). The mastery support apparatus and the terminal apparatus each comprise a processor (See Onda col. 1 lines 52-57; col. 13 lines 1-32) [claims 2, 4, 17, 18]. The terminal apparatus includes a display screen, which displays the mastery information on the display screen (See Onda col. 13 lines 1-27) [claims 17, 18]. The terminal processor receives, from the game mastery support apparatus, distributed mastery information, which advises a player how to master a game. The execution is conducted independent of the master information (See Onda col. 10 lines 5-31) [claims 17, 18]. Onda further discloses that the terminal apparatus comprises a first terminal device having a game execution function and a second terminal device displaying received mastery information within a display area. The first terminal device, which has the game execution function, sends the distribution condition if met, to the game mastery support apparatus. A second terminal device receives the information distributed by the game mastery support apparatus, which is specified as a destination of the mastery information. The second terminal device includes a display screen and a processing section receiving, from the game mastery support apparatus, the mastery information for mastering the game, and displaying the mastery information on the display screen (See Onda col. 5 lines 52-65; col. 9 lines 18-27; Fig. 1) [claim 19]. Onda discloses a computer readable medium having recorded thereon a processing program for activating a game mastery support apparatus for supporting mastery of an executable game. The program includes a distributing routine

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for distributing mastery information, which advises a player how to master an executable multi-stage game, to a terminal apparatus having a game execution function. The function is independent of the mastery information (See Onda col. 4 lines 51-67) [claim 23]. Onda discloses a method for distributing, via a communications network, game mastery information, which advises a player how to master a game, from a game mastery support apparatus to a terminal apparatus having a game execution function in accordance with a request from the terminal apparatus, the function is executable independent of the mastery information. The terminal stores user information items including a game title, a user identifier and personal user information (See Onda col. 5 lines 50-67; col. 6 lines 1-67). The user information items are transmitted to the game mastery support apparatus. A processing section of the game mastery support apparatus retrieves mastery information corresponding to the received game title and distribution condition corresponding to the received game title. The distribution condition is stored to a mastery status management table of the game mastery support apparatus on a per-user-identified basis. The processing section of the game mastery support apparatus retrieves the game information items corresponding to the received game title from a game title data base group of the game master support apparatus. The processing section stores the received personal user information as a customer information database. Information corresponding to mastery status information on the game stage is distributed to the terminal apparatus (See Onda cols. 5-10) [claim 24]. Onda lacks in specifically disclosing that the game is a multi-stage

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game and that the distribution condition is a stage among multiple stages to which a player has proceeded.

3. Stamper teaches of a method of sharing data between video games in which the games are multi-stage games (See Stamper col. 4 line 61; col. 8 lines 35-57). In Stamper, a secondary memory device shares mastery status information to the terminal apparatus based on a stage among said multiple stages of the executable multi-stage game to which a player has proceeded (See Stamper col. 8 lines 35-57) [claims 2, 17, 18, 23, 24]. For example, the sharing of hints on how to solve the game are based on the level in which a player has achieved in the game. Stamper further discloses that the master status information from the terminal apparatus includes flag information indicating a stage of the game to which the player has proceeded (See Stamper col. 4 lines 49-61) [claim 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the distribution condition in Onda be a stage that a player has achieved in a multi-stage game. Therefore, once a player satisfies the criteria of reaching a certain stage they have access to the information needed to pass the stage. The Examiner notes that it is well known throughout the art to download strategy guides over a network. Furthermore, it would have been obvious to one of ordinary skill in the art to only allow access to those guides once a player has achieved the level necessary for which the strategy guides would be useful, thereby, only distributing the information to players who can use it or distributing the information as a reward for their efforts in the game thus far. By providing them access to the information, they will want to continue playing the game.

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4. Stamper further discloses that the terminal apparatus is a portable device (See Stamper col. 7 lines 19-22) [claims 13-16, 21, 22]. Rarity added value information is distributed from host computer to the terminal apparatus of a higher-ranked user. An information distribution history is stored in the host computer, thereby customizing a delivery status for each user (See Lee Fig. 1, 7, 8) [claim 25]. It would have been obvious to one of ordinary skill in the art to make the terminals of Onda portable so that a player could play games remotely and are not restricted to a single location. The Examiner further notes that the fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results. *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CCPA 1952).

5. Claims 4-12, 14-16, 18, 20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onda et al., in view of Stamper et al., in further view of Lee, U.S. Patent No. 6,475,089 B1. Onda and Stamper disclose all of the limitations mentioned above. Onda further discloses that the terminal apparatus comprises a first terminal device having a game execution function and a second terminal device displaying received mastery information within a display area (See Onda col. 5 lines 52-65; Fig. 1). In Stamper, a receiver, receives from the first terminal device, mastery status information representing a game stage to be mastered (See Stamper col. 8 lines 36-57). In Onda, a distributing device, distributes to the second terminal device specified as a destination, the mastery information according to the mastery status information from the first terminal device (See Onda col. 5 lines 50-65; col. 10 lines 5-

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21; col. 12 lines 40-45) [claims 10-12]. Onda and Stamper lack in disclosing distributing ranking information. Lee teaches of a game system in which a ranking information distribution device, distributes ranking information pertaining to a rank of a player in a game (See Lee col. 1 lines 38-41; col. 8 lines 22-38) [claims 4-6; 18, 20]. The system of Lee furthermore will distribute game information on the basis of the ranking of a player (See Lee col. 8 lines 16-44) [claims 4, 20]. For example, the system will only distribute game and opponent information if the rankings of a player and an opponent are similar. Lee further teaches of an accumulator, which accumulates information from the terminal apparatus for each player's identifier. A determining device then determines a rank of a corresponding user with reference to the accumulated information. A distributor then distributes ranking information pertaining to the determined rank (See Lee col. 8 lines 23-44) [claims 7-91].

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute the mastery information in Onda on the basis of the ranking of a player [claims 4]. Onda clearly states that it distributes mastery information on the basis of a predetermined condition being met; it is obvious that the predetermined condition could be the ranking of a player; therefore the players with higher ranks are being rewarded with access to the hints and other information in the game. Furthermore, as previously stated, it is obvious to only distribute the hints to the players that need them which may be determined based on the rank of a player. Therefore, one is not distributing difficult game information to a player who could not

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perform it based on his rank; the information is being distributed only to the players who need it.

Response to Arguments

7. Applicant's arguments, see Page 10, filed December 22, 2005, with respect to Claim 7-9 and 25 rejected under 35 U.S.C 112, second paragraph, as being indefinite have been fully considered and are persuasive. The rejection to Claims 7-9 and 25 under 35 U.S.C 112 second paragraph has been withdrawn.

8. Applicant's arguments, See page 11-16, filed December 22, 2005, with respect to rejection to claims 2-25 under 35 U.S.C. 103(a) as being unpatentable over Onda et al. (U.S. 6,746,333) in view of Stamper et al. (U.S. 6,820,265 B1), in further view of Lee (U.S. 6,475,089 B1) have been fully considered but they are not persuasive.

9. The applicants argues,

- "the game data distribution device 200 in Onda does not collect information about the player or the players operation of the arcade game. (Page 12)"
- "Stamper's deficiency in using only a single processor is not remedied by Onda, as Onda's combined device as suggested in col. 13 would use only a single processor (Page 13)"
- "that the mastery information is not assembled for a player individually, but simply based on an input code that is applicable without regard to player identity. (Page 13)"

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- “In Onda, the arcade game 100 executes the game while the home computer 400 receives mastery information. The home computer is not a terminal apparatus having a game execution function. (Page 14)”

10. However, it should be noted that it is well known in the art that a memory system connection is always implied in a device coupled to a processor. Moreover, as stated in the previous office action, the mastery support apparatus accumulates the user information items. A processing section of the game mastery support apparatus retrieves mastery information corresponding to the accumulated information. The distribution condition is stored to a mastery status management table of the game mastery support apparatus a per-user identified basis (See Onda col 5 lines 50-67, col 6 lines 1-67, Claims 2-4). The mastery support apparatus and the terminal apparatus each comprise a processor (See Fig 1, Onda col 5 lines 50-57, col 1 lines 52-57).

11. Furthermore, Onda et al.'s configuration is such that the distributed information from the distribution device is dependent on the player providing a player's identification such as a password or an IP address (See col 7 lines 66- col 8 lines 1 -4. Col 8 lines 44-48). Since identifiers such as IP address are unique, Onda teaches the concept of assembling the mastery information for a player individually. The examiner further notes that home computers are well known to have game execution function.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is 5712723106. The examiner can normally be reached on m-f 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

Ronald Spence
PRIMARY EXAMINER
1/5/07